



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

MEH:ddj  
Docket No: 5923-99  
27 January 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: PO2 [REDACTED] USN, RETIRED, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) BUPERS memorandum of 10 December 1999  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show he declined enrollment in the Survivor Benefit Plan (SBP) prior to his transfer to the Permanent Disability Retired List (PDRL).

2. The Board, consisting of Messrs. Pfeiffer, Silberman, and Zsalman, reviewed Petitioner's allegations of error and injustice on 27 January 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

That Petitioner's naval record be corrected, where appropriate, to show that:


a. He declined enrollment in SBP prior to his 20 August 1980 transfer to the PDRL. Petty Officer [REDACTED] was enrolled in SBP spouse coverage automatically when he transferred to the PDRL. He was rated 100% disabled upon discharge and waived his Navy retired pay for Department of Veterans Affairs (VA) compensation.

b. Petty Officer [REDACTED] was divorced on 15 April 1998, there was no requirement in his divorce decree to continue SBP under the former spouse category.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

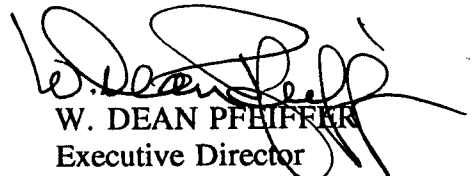
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
G. L. ADAMS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

27 January 2000

  
W. DEAN PFEIFFER  
Executive Director